

## REMARKS

In the outstanding Office action, claims 1 to 16 were presented for examination. Claims 1-16 were rejected.

In this amendment applicant has amended claims 1 and 4, and has added new claims 17-19 more particularly pointing out the invention. Claims 2-3 and 5-16 have been cancelled, without prejudice. Accordingly, claims 1, 4 and 17-19 are now pending for examination and, as will be discussed in detail below, it is believed that the application is in condition for allowance.

### *Drawings*

The drawings were objected to for not showing every feature of the invention specified in claims 5 and 10-12. Claims 5 and 10-12, *inter alia*, have been cancelled. Accordingly, applicant believes these objections are now moot.

### *Claim Amendments*

Claim 1 has been amended to positively introduce and define the central stone and peripheral stones and to incorporate the subject matters of now-cancelled claims 2 and 3, save for reference to the central stone as being "octagonal".

In addition, Claim 1 has been amended to recite that the central stone has the shape of a regular polygon comprising a plurality of sides when observed from the table. Support for this amendment can be found in Figures 3 and 5a of the drawings accompanying applicant's specification.

Claim 1 has also been amended in other, minor respects.

New claim 17 recites that each crown facet and a facet of a corresponding adjacent peripheral stone, considered together, simulate one of the bezel facets of a

brilliant-cut stone. Support for this subject matter can be found at page 5, lines 18-23 of applicant's specification.

New claim 18 recites that the first ring and the second ring are both circular. Support for this subject matter can be found in Fig. 3 of the drawings accompanying applicant's specification.

New claim 19 recites that the first ring and the second ring have bases and the first and the second ring are connected at their bases by a number of converging arms arranged at regular intervals around the rings. Support for this subject matter can be found at page 4, lines 2-4 of applicant's specification.

### ***Claim Objections***

In the Office action, objection is raised to the limitations "the way", "the circumference", "the pavilion", "the inside", and "the perimeter" in claim 1, to the limitations "the table", "the facets", and "the crown" in claim 2 and to the limitations "the length", "the sides", and "the edge" in claims 3 and 7 as allegedly having insufficient antecedent basis in the claims.

To overcome this objection, Claim 1 has been amended to positively introduce and define the central and peripheral stones. Explicit antecedent basis is believed now to be present for most of the terms employed in the claims. In some cases where the term references an inherent component of an element recited, for example "the circumference" and the "length", the antecedent basis is believed to be inherent in the recitation of the component. (See MPEP 2173.05(h).)

***Claim Rejections - 35 U.S.C. § 103 Alleged Unpatentability***

In the outstanding Office action, claims 1, 3-6, 9, 11-12, and 14-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leveridge, FR-585,940, in view of Ramot, US-5,123,265.

Applicant respectfully believes that amended claim 1 is patentably distinguished from any combination of Ramot with Leveridge, and therefore allowable, for reasons which will now be explained.

Leveridge describes a jewelry item which provides an arrangement of peripheral precious stones around a central precious stone, which arrangement appears to be intended to have an appearance simulating that of a larger precious stone.

With regard to this rejection, the Office action states that Leveridge discloses a support comprising a first ring (8) concentric with and connected to a second ring (6) smaller in diameter and greater in height than the first ring (8) as is recited in applicant's claim 1. Applicant respectfully disagrees with this interpretation of Leveridge for the reasons explained below.

Leveridge does not appear to applicant to disclose the use of concentric rings as a support for the claimed arrangement of precious stones. Rather, Leveridge appears to disclose a support formed by a polygonal frame and transverse rods which provide a grid having a central square recess into which the central stone is set and provide four square recesses adjacent to the central square recess into which four additional stones are set (Figure 3 of Leveridge).

Furthermore, Leveridge's rods 6 do not appear to provide a ring which is greater in height than another, larger ring, as is required by applicant's amended claim 1. Rods

6 of Leveridge may be elevated above the outer polygonal frame, but they do not appear to have a greater height than do the polygonal frame members.

Applicant notes that Figure 5 of Leveridge shows a top view of a polygonal central stone around which are arranged several peripheral stones. However, the description of the Figure 5 embodiment of Leveridge does not appear to reveal any structural elements of the support which would enable a person of ordinary skill in the art to make the assembly shown.

Furthermore, Figure 5 does not show the configuration of the crown of the central stone or of the peripheral stones and there accordingly does not appear to be any disclosure of the positions or orientations of the facets of the peripheral stones relative to the facets of the central stone. Accordingly, applicant believes Leveridge does not disclose a support assembly, or an item of jewelry comprising a support which enables a number of smaller stones to be used to simulate a larger stone.

Unlike Leveridge's disclosure, the invention as claimed in amended claim 1, provides an item of jewellery comprising a support having structural features as recited in claim 1, which provides an invisible setting for a number of precious stones that allows the construction of what appears to be the crown of a larger precious stone, providing an appearance that simulates a genuine stone of the larger size.

In the Office action, it is stated that it would have been obvious to one of ordinary skill in the art, having the disclosures of Leveridge and Ramot before them at the time the invention was made, to modify the central ring setting of Leveridge to include a T-shaped shoulder at its top edge, as is allegedly disclosed in Ramot.

However, Ramot appears to disclose ribs 172 divided into sections 172a, 172b, and 172c of which two sections are bent into the groove of a stone on one side and the

other section is bent into the groove of a stone on the opposite side of the rib (column 5, lines 11-17 of Ramot). Unlike Ramot, applicant's amended claim 1 call for a T-shaped shoulder on the top edge of a support ring wherein one side of the T-shaped shoulder can be snapped into a longitudinal groove in a center stone and the other side can be snapped into a groove in a peripheral stone.

Accordingly, even combining Ramot with Leveridge does not appear to provide an item of jewelry meeting the requirements of applicant's amended claim 1.

For all these reasons, applicant believes that the item of jewelry defined in amended claim is more than a combination of Ramot with Leveridge and is therefore unobvious and patentable.

In addition, in the Office action, claims 2, 7-8, 10, and 13 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Leveridge, FR-585,940 ("Leveridge"), in view of Ramot, US-5,123,265 ("Ramot"), in further view of Monnier, US-2,207,869 ("Monnier").

Applicant respectfully believes that amended claim 1 is also patentably distinguished from a combination of Monnier with Ramot and Leveridge, and therefore allowable, for the following reasons.

With regard to this rejection, the Office action states that Monnier discloses "a gemstone setting similar to that of Leveridge in view of Ramot". The Office action furthermore states that Monnier further teaches that "the table of each peripheral stone and one of the facets of the crown of the octagonal central stone have an identical angle of incidence", referencing Fig. 7 of Monnier, and concludes that it would have been obvious to one ordinary skill in the art, having the disclosures of Leveridge in view of Ramot and Monnier before him to adopt certain features of the claimed invention, as

recited in the Office action, to give "the effect of an extension of the central stone, as taught by Monnier."

Applicant respectfully disagrees with the conclusions in the Office action regarding Monnier, which applicant believes are based, on an improper hindsight analysis of the claimed invention. Applicant's reasons for this belief will now be explained.

The Fig. 7 embodiment of Monnier appears to an assembly of stones including a central stone which is rectangular (page 1, line 50, right hand column of Monnier) rather than octagonal as mentioned in the Office action. Applicant believes there is no suggestion in Monnier, or elsewhere in the art, which would motivate one of ordinary skill in the art to replace the rectangular stone of Monnier with a regular polygon as is required by applicant's amended claim 1. Furthermore, no reference is made in Monnier to the possibility of a crown reconstituted by several distinctive stones. Moreover, Monnier not only does not appear to disclose a jewelry support comprising concentric rings meeting the requirements of applicant's amended claim 1, any more than do Leveridge or Ramot, but Monnier does not appear to provide any description of a support which could be employed for the arrangement of stones shown in Fig. 7. Accordingly, it appears to applicant that Monnier does not suggest how a combination of Ramot with Leveridge could be further modified to provide the invention claimed in claim 1, notwithstanding that Monnier may show a peripheral stone at an angle of incidence identical to that of a facet of a central stone.

Furthermore, in light of the foregoing discussion, Applicant also respectfully believes that the Office has employed impermissible hindsight to combine specific features from the teachings of Leveridge, Ramot and Monnier, in a manner which would not be suggested to a person of ordinary skill in the art before applicant's invention.

Accordingly, applicant believes amended claim 1, is also patentably distinguished from any combination of Monnier with Leveridge and Ramot, and therefore allowable.

### ***Dependent Claims***

Claims 4 and 17-19 depend from claim 1, and are therefore believed allowable with claim 1 for the reasons that claim 1 is believed allowable. Dependent claims 4 and 17-19 are furthermore believed clearly and patentably distinguished from the art of record, and therefore allowable, by the additional limitations they recite.

For example, Claim 4 specifically recites that the central stone is octagonal and that there are eight peripheral stones, which is not remotely suggested by Leveridge, Ramot or Monnier.

Claim 17 recites that each crown facet and a facet of a corresponding adjacent peripheral stone, considered together, simulate one of the bezel facets of a brilliant-cut stone which is not suggested by the cited art.

New claim 18 recites that the first ring and the second ring are both circular. None of the art of record appears to disclose or suggest using circular rings to support a polygonal center stone surrounded by a plurality of peripheral stones, as is recited in claim 18.

New claim 19 recites that the first ring and the second ring have bases and the first and the second ring are connected at their bases by a number of converging arms arranged at regular intervals around the rings which is not suggested by the art of record and appears to applicant to be, in particular, quite unlike Leveridge's disclosure.

***Conclusion***

In view of the above amendments and the discussion relating thereto, it is respectfully submitted that the instant application, as amended, is in condition for allowance. Favorable reconsideration and allowance are earnestly solicited. If for any reason the Examiner feels that consultation with applicant's representative would be helpful in the advancement of the prosecution, the Examiner is invited to contact the undersigned practitioner.

Respectfully submitted,

By: /Roger Pitt/  
Roger Pitt  
Reg. No. 46,996 Ph: (212) 536-4867

(Customer Number 00545)  
K&L GATES LLP  
599 Lexington Avenue (33rd Floor)  
New York, NY 10022-6030